

735 KAR 2:060. Grievance procedures.

RELATES TO: KRS 12.290, 163.510(4)

STATUTORY AUTHORITY: KRS 163.510, 1998 GA HB 321, Commonwealth Budget Final Budget Memorandum, FB 1998-2000

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation is necessary to implement KRS 163.510(4) which authorizes the Kentucky Commission on the Deaf and Hard of Hearing (KCDHH) to oversee the provision of interpreting services and to provide such services if necessary. House Bill 321 (1998) and the Commonwealth Budget Final Budget Memorandum specifically authorizes the KCDHH to provide interpreter referral services to state agencies. This administrative regulation establishes a process for receiving and handling complaints against interpreters, state agencies or the referral services.

Section 1. (1) Grievances may be filed against the:

- (a) Interpreter;
- (b) State agency; or
- (c) KCDHH Interpreter Referral Services.

(2) All grievances shall be submitted in writing or on video within ninety (90) days of the event in question to the Executive Director of the Kentucky Commission on the Deaf and Hard of Hearing, 632 Versailles Road, Frankfort, Kentucky, 40601 and must include:

- (a) Name, address, and phone number of person filing the grievance;
- (b) Name and role (i.e., interpreter, state agency) of person(s) against whom the grievance is being filed;
- (c) Date, time and location of the alleged violation;
- (d) Description of the alleged violation and, if known, reference made to the NAD or RID Code of Ethics that were allegedly violated; and
- (e) Signature of the complainant.

(3) Anonymous grievances will not be recognized.

(4) The KCDHH Interpreter Referral Services staff will investigate the alleged grievance within thirty (30) days of receiving the grievance.

(5) Copies of the grievance shall be made available to the:

- (a) Complainant;
- (b) Respondent (person grievance is against);
- (c) Witnesses; and
- (d) All other pertinent parties to the grievance or the investigation.

(6) The KCDHH Interpreter Referral Services staff shall submit a written decision within sixty (60) days of receiving the grievance which may result in:

- (a) Mediation among the involved parties; or
- (b) The grievance being referred to the national certifying body, if the grievance is of serious nature; or
- (c) Dismissal of grievance; or
- (d) The KCDHH Interpreter Referral Service has the right to discontinue utilizing the services of an interpreter based on the findings of a grievance.

(7) If the decision of the KCDHH Interpreter Referral Services Program staff is appealed, the KCDHH Interpreter Services Advisory Board shall review the decision and make a ruling.

(8) If the decision of KCDHH Interpreter Services Advisory Board is appealed, then the Executive Director of the KCDHH shall review the decision and make a ruling.

(9) If the decision of the Executive Director of the KCDHH is appealed, then the Commissioners of the KCDHH shall review the decision and make a ruling.

(10) If the decision of the Commissioners of the KCDHH is appealed, then the KCDHH shall comply with all provisions of KRS Chapter 13B.

(11) All records of grievances filed and the proceedings shall be kept at the KCDHH offices in accordance with the Open Records and Open Meetings Law. (25 Ky.R. 958; eff. 1-19-99.)